

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	
Nicholas M. Martella	:	Chapter 13
Kiersten N. Martella	:	
	:	
Debtor	:	18-17641JKF

OBJECTION TO PROOF OF CLAIM NUMBER SEVEN (7) FILED BY LVNV
FUNDING, LLC, RESURGENT CAPITAL SERVICES

COMES NOW, Nicholas and Kiersten Martella, hereinafter referred to as “Debtors,” by and through their undersigned counsel, Brad J. Sadek, Esquire, hereby object to Proof of Claim number Seven filed by LVNV Funding, LLC, Resurgent Capital Services (hereinafter referred to as “Claimant”) and in support thereof aver the following:

1. Debtors filed the instant Chapter 13 Bankruptcy case on or about November 16th, 2018.
2. The filing was assigned case number 18-17641-JKF.
3. On or about December 28th, 2019 Claimant filed an Unsecured Proof of Claim in the amount of \$762.03. A true and correct copy of the Proof of Claim, numbered 7-1 on the Claims Register, is attached hereto, incorporated herein and marked as Exhibit “A.”
4. Debtors did not pay back or revive this debt in any way within the four years preceding the filing date of this Chapter 13 Bankruptcy.
5. Said proof of claim states that the last payment date was in 2007.
6. Claimant does not have a legal right to assert this claim, as said claim exceeds the Pennsylvania Statute of Limitations pursuant to 42 Pa. C.S. Chapter 55, § 5525.

WHEREFORE, Debtors Nicholas and Kiersten Martella, respectfully request that this Honorable Court disallow and strike the proof of claim filed by LVNV FUNDING, LLC, RESURGENT CAPITAL SERVICES and order such other and further relief as is just and proper.

Respectfully submitted,

Dated: July 1st, 2019

/s/ **Brad J. Sadek, esq.**

Brad J. Sadek, Esq.

Attorney for the Debtors

Sadek Law Offices, LLC

1315 Walnut Street, Suite 502

Philadelphia, PA 19107

(215) 545-0008